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U.S. DISTRICT COURT  
EAST DISTRICT OF LA  
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LORETTA G. WHYTE  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**

BILL OF INFORMATION FOR HEALTH CARE FRAUD

UNITED STATES OF AMERICA

\*

CRIMINAL NO.

**08-2297**

VERSUS

\*

SECTION:

CHERYL MOUTON

\*

VIOLATIONS:

**SECT. B MAG 4**

18 USC 1347

18 USC 2

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The United States Attorney charges that:

COUNT 1

**A. AT ALL TIMES MATERIAL HEREIN:**

1. Medicaid is a public insurance (assistance) program that provides health care coverage to low-income families and persons with medical disabilities. Centers for Medicare and Medicaid Services (CMS) is the federal agency charged with the funding and oversight of state Medicaid programs.
2. Medicaid has an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program which covers children's medical services. One group of services provided under EPSDT are Personal Care Services (PCS) to eligible recipients meeting the medical necessity criteria for the

services. PCS are provided by attendants to persons who are unable to care for themselves. PCS services must be provided through a licensed Personal Care Attendant Medicaid provider.

3. A New Beginning of New Orleans, Inc.(ANBNO), was a Louisiana corporation, authorized by Medicaid as a Personal Care Attendant Provider.

4. Staff assigned to provide PCS could not be a member of the recipient's immediate family. Immediate family was defined as father, mother, sister, brother, spouse, child, grandparent, in-law, or any individual acting as a parent or guardian of the recipient.

5. PCS must be provided in the recipient's home. Services can only be performed outside of the recipient's home if it is medically necessary for the recipient to receive the services outside of the home.

6. A physician must prescribe PCS services initially and every 180 days thereafter, and whenever changes occur in the plan of care (POC). Once ordered by a physician, the PCS provider requests approval for the service from Medicaid. The POC was signed by the physician and specified the services to be provided, that is, the activities of daily living for which assistance is needed, and the minimum and maximum frequency and duration of these services.

7. The purpose of ordering PCS services was to prevent institutionalization of the recipient, and to enable the recipient to be treated on an outpatient basis rather than an inpatient basis. The physician certification, a 90-L form, for PCS was equivalent to certifying the medical necessity of placing a patient in an Intermediate Care Facility 1 (ICF-1), and that the patient was impaired in at least 2 activities of daily living tasks. ICF-1 is a medical level of care provided to Medicaid recipients residing in a nursing facility.

**B. THE SCHEME:**

Beginning on or about May 22, 2003, and continuing until on or about May 4, 2005, in the Eastern District of Louisiana and elsewhere, the defendant **CHERYL MOUTON** and others known and unknown to the United States Attorney, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicaid and to obtain, by means of false and fraudulent pretenses, representations, and promises, money owned by, and under the custody and control of, Medicaid in connection with the delivery of and payment for health care benefits and services.

As a part of the scheme and artifice to defraud, false time sheets were made to create the appearance that the ANBNO workers were performing PCS to Medicaid recipients. PCS Daily Schedules were falsified to create the appearance that assistance with performing activities of daily living was being provided to Medicaid recipients. In fact, ANBNO workers were not providing any PCS to the Medicaid recipients and the false documentation was created solely to support the Medicaid billing.

**C. THE EXECUTION:**

Between May 22, 2003, and May 4, 2005, ANBNO submitted billings to Medicaid based upon the false documentation created by **CHERYL MOUTON**, for which ANBNO was paid approximately \$59,606.

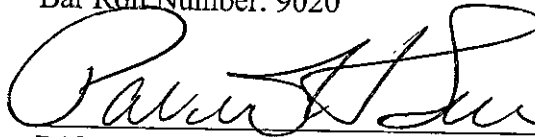
All in violation of Title 18, United States Code, Sections 1347 and 2.



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New Orleans, Louisiana  
August 20, 2008

